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EXAMINER

ART UNIT

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Please find below and/or attached an Office communication concerning this application or proceeding.

Notification of Non-Compliant Appeal Brief (37 CFR 41.37)	Application No. 09/829,587	Applicant(s) LAPTEV, PAVEL N.	
	Examiner Rudy Zervigon	Art Unit 1763	


--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

The Appeal Brief filed on 06 June 2005 is defective for failure to comply with one or more provisions of 37 CFR 41.37.

To avoid dismissal of the appeal, applicant must file an amended brief or other appropriate correction (see MPEP 1205.03) within **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer.
EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.

1. ☐ The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.
2. ☐ The brief does not contain a statement of the status of all claims, (e.g., rejected, allowed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)).
4. ☐ (a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)).
5. ☒ The brief does not contain a concise statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi)).
6. ☒ The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 41.37(c)(1)(vii)).
7. ☒ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)).
8. ☐ The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner **and relied upon by appellant in the appeal**, along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)).
9. ☐ The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x)).
10. ☒ Other (including any explanation in support of the above items):

See Continuation Sheet.


 Rudy Zervigon
 Primary Examiner
 Art Unit: 1763

Concerning above item 5: Applicant's brief does not contain a *concise* statement for each ground of rejection presented for review. In this section, page 11 of the brief, Applicant replaces the 102(b) rejection of claim 50 with the 103(a) rejection of claim 51. Further Applicant DOES NOT include the Examiner's finally rejected claims 1-21, and 43-51 under 103(a) based on Applicant's teaching of the prior art of Figure 1 as disclosed by Applicant's originally filed specification in view of Mountsier et al (USPat. 5,810,933). Applicants add arguments to this section that should be located only in the "Argument" section. These errors are REPEATED when compared to Applicant's 9/24/2004 brief, Applicant's 7/1/2004 brief, Applicant's 12/24/2003 brief, and Applicant's 11/10/2003 brief. The Patent Office has repeatedly cited and offered numerous opportunities for correcting Applicant's appeal briefs.

Concerning above item 6: Applicant's briefs (see above) have *REPEATED* the error of not providing a separate heading under this section for the Examiner's finally rejected claims 1-21, and 43-51 under 103(a) based on Applicant's teaching of the prior art of Figure 1 as disclosed by Applicant's originally filed specification in view of Mountsier et al (USPat. 5,810,933).

Concerning above item 7: Applicant's briefs (see above) have *REPEATED* the error of not providing a correct copy of the appealed claims even when Applicant has repeated which claims Applicant is appealing in section III, Status of Claims: see Applicant's most recent brief on page 2: "The rejection of claims 1-21 and 43-51 is being appealed". Applicant's claims appendix of 6/6/5 cites claims 1-3, 8, 13, 15, 16, 21, 25, 26, 28, 29, 42-46, 49-51. Applicant's claims appendix of 9/24/4 cites claims 1-51. Applicant's claims appendix of 7/1/4 cites claims 1-51. Applicant's claims appendix of 12/24/3 cites claims 1-51. Applicant's claims appendix of 11/10/3 cites claims 1, 2, 6-51. The Examiner's final rejection, mailed two and half years ago, designated claims 1-21, and 43-51 as rejected, while claims 22-42 are withdrawn.

Concerning above item 10: Sections ix – Evidence Appendix and x – Related Proceedings Appendix should be added and designated as " – None – " if necessary.